STATUTORY INSTRUMENTS

2018 No. 378

MINISTERS OF THE CROWN

The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018

Made - - - -	*14th March 2018*
Laid before Parliament	*21st March 2018*
Coming into force - -	*11th April 2018*

At the Court at Buckingham Palace, the 14th day of March 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by sections 1 and 2 of the Ministers of the Crown Act 1975(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018.

(2) This Order comes into force on 11th April 2018.

Commencement Information

I1 Art. 1 in force at 11.4.2018, see **art. 1(2)**

Interpretation

2. In this Order—

"CLG function" means any function so far as—

(a) it is transferred by article 8, or

(**1**) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

(b) it was entrusted to the Secretary of State for Communities and Local Government immediately before 8th January 2018 and has before the making of this Order been entrusted to the Secretary of State for Housing, Communities and Local Government;

"health function" means any function so far as—

(a) it is transferred by article 4, or

(b) it was entrusted to the Secretary of State for Health immediately before 8th January 2018 and has before the making of this Order been entrusted to the Secretary of State for Health and Social Care;

"instrument" includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Commencement Information

I2 Art. 2 in force at 11.4.2018, see **art. 1(2)**

Incorporation of the Secretary of State for Health and Social Care

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Health and Social Care and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Health and Social Care—

(a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and

(b) is to be officially and judicially noted.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Health and Social Care and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State to act in that behalf,

is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Health and Social Care that an instrument purporting to be made or issued by—

(a) the Secretary of State for Health and Social Care, or

(b) the Secretary of State for Health,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868(**2**) applies in relation to the Secretary of State for Health and Social Care—

(a) as if references to regulations and orders included references to any document, and

(b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

(**2**) 1868 c. 37.

Commencement Information
I3 Art. 3 in force at 11.4.2018, see **art. 1(2)**

Transfer of functions etc to the Secretary of State for Health and Social Care

4. The functions of the Secretary of State for Health are transferred to the Secretary of State for Health and Social Care.

5. There are transferred to the Secretary of State for Health and Social Care all property, rights and liabilities to which the Secretary of State for Health is entitled or subject at the coming into force of this Order.

Commencement Information
I4 Art. 4 in force at 11.4.2018, see **art. 1(2)**
I5 Art. 5 in force at 11.4.2018, see **art. 1(2)**

Secretary of State for Health and Social Care: supplementary

6.—(1) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Health may be continued by or in relation to the Secretary of State for Health and Social Care.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Health has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Health and Social Care.

(3) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

(a) the transfer or entrusting to the Secretary of State for Health and Social Care of a health function, or

(b) the transfer of anything by article 5,

as if references to (and references which are to be read as references to) the Secretary of State for Health were or included references to the Secretary of State for Health and Social Care.

(4) Documents or forms printed for use in connection with a health function may be used in connection with that function even though they contain (or are to be read as containing) references to the Secretary of State for Health; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Health and Social Care.

(5) In paragraphs (1) to (4), references to a Secretary of State include references to the department or an officer of that Secretary of State.

Commencement Information
I6 Art. 6 in force at 11.4.2018, see **art. 1(2)**

Incorporation of the Secretary of State for Housing, Communities and Local Government

7.—(1) The person who at the coming into force of this Order is the Secretary of State for Housing, Communities and Local Government and any successor to that person is by that name a corporation sole.

(2) The corporate seal of the Secretary of State for Housing, Communities and Local Government—

(a) is to be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and

(b) is to be officially and judicially noted.

(3) Every document purporting to be an instrument made or issued by the Secretary of State for Housing, Communities and Local Government and to be—

(a) sealed with the corporate seal of that Secretary of State authenticated in the manner provided for by paragraph (2), or

(b) signed or executed by a person authorised by a Secretary of State to act in that behalf,

is to be received in evidence and to be deemed to be so made or issued without further proof, unless the contrary is shown.

(4) A certificate signed by the Secretary of State for Housing, Communities and Local Government that an instrument purporting to be made or issued by—

(a) the Secretary of State for Housing, Communities and Local Government,

(b) the Secretary of State for Communities and Local Government,

(c) the First Secretary of State,

(d) the Secretary of State for Transport, Local Government and the Regions,

(e) the Secretary of State for Environment, Transport and the Regions, or

(f) the Secretary of State for the Environment,

was so made or issued is conclusive evidence of that fact.

(5) The Documentary Evidence Act 1868 applies in relation to the Secretary of State for Housing, Communities and Local Government—

(a) as if references to regulations and orders included references to any document, and

(b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

Commencement Information

I7 Art. 7 in force at 11.4.2018, see **art. 1(2)**

Transfer of functions etc to the Secretary of State for Housing, Communities and Local Government

8. The functions of the Secretary of State for Communities and Local Government are transferred to the Secretary of State for Housing, Communities and Local Government.

9. There are transferred to the Secretary of State for Housing, Communities and Local Government all property, rights and liabilities to which the Secretary of State for Communities and Local Government is entitled or subject at the coming into force of this Order.

Commencement Information

I8 Art. 8 in force at 11.4.2018, see **art. 1(2)**

I9 Art. 9 in force at 11.4.2018, see **art. 1(2)**

Secretary of State for Housing, Communities and Local Government: supplementary

10.—(1) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Communities and Local Government may be continued by or in relation to the Secretary of State for Housing, Communities and Local Government.

(2) Anything done (or having effect as if done) by or in relation to the Secretary of State for Communities and Local Government has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State for Housing, Communities and Local Government.

(3) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of—

(a) the transfer or entrusting to the Secretary of State for Housing, Communities and Local Government of a CLG function, or

(b) the transfer of anything by article 9,

as if references to (and references which are to be read as references to) the Secretary of State for Communities and Local Government were or included references to the Secretary of State for Housing, Communities and Local Government.

(4) Documents or forms printed for use in connection with a CLG function may be used in connection with that function even though they contain (or are to be read as containing) references to the Secretary of State for Communities and Local Government; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State for Housing, Communities and Local Government.

(5) In paragraphs (1) to (4), references to a Secretary of State include references to the department or an officer of that Secretary of State.

Commencement Information

I10 Art. 10 in force at 11.4.2018, see **art. 1(2)**

Transfer of functions etc from the Lord Chancellor to the Secretary of State

11. The functions of the Lord Chancellor under Part 1 of the Commonhold and Leasehold Reform Act 2002(**3**) (commonhold land) are transferred to the Secretary of State.

12. There are transferred to the Secretary of State for Housing, Communities and Local Government all property, rights and liabilities to which the Lord Chancellor is entitled or subject at the coming into force of this Order in connection with a function transferred by article 11.

Commencement Information

I11 Art. 11 in force at 11.4.2018, see **art. 1(2)**

(**3**) 2002 c. 15

I12 Art. 12 in force at 11.4.2018, see **art. 1(2)**

Articles 11 and 12: supplementary

13.—(1) This article applies to—

(a) a function transferred to the Secretary of State by article 11 ("a former LC function"), and

(b) anything transferred by article 12.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Lord Chancellor may, so far as it relates to anything to which this article applies, be continued by or in relation to the Secretary of State.

(3) Anything done (or having effect as if done) by or in relation to the Lord Chancellor in connection with anything to which this article applies has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Secretary of State.

(4) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of anything to which this article applies, as if references to (and references which are to be read as references to) the Lord Chancellor were or included references to the Secretary of State.

(5) Documents or forms printed for use in connection with a former LC function may be used in connection with that function even though they contain (or are to be read as containing) references to the Lord Chancellor; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the Secretary of State.

(6) In paragraphs (2) to (5)—

(a) references to the Lord Chancellor are to be read as including references to the department or an officer of the Lord Chancellor, and

(b) references to the Secretary of State are to be read as including references to the department or an officer of the Secretary of State accordingly.

Commencement Information

I13 Art. 13 in force at 11.4.2018, see **art. 1(2)**

Validity of things done before coming into force of Order

14.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Health, the Secretary of State for Communities and Local Government or the Lord Chancellor before the coming into force of this Order.

(2) In paragraph (1) the reference to a Secretary of State or the Lord Chancellor includes a reference to the department or an officer of that Secretary of State or of the Lord Chancellor (as the case may be).

Commencement Information

I14 Art. 14 in force at 11.4.2018, see **art. 1(2)**

Consequential amendments

15. The Schedule has effect.

Commencement Information

I15 Art. 15 in force at 11.4.2018, see **art. 1(2)**

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE Article 15

CONSEQUENTIAL AMENDMENTS

PART 1

Amendments to primary legislation

Transport Act 1962 (c. 46)

1. In section 86(6A) of the Transport Act 1962(**4**), for "Communities and Local Government" substitute "Housing, Communities and Local Government".

Commencement Information
I16 Sch. para. 1 in force at 11.4.2018, see **art. 1(2)**

Parliamentary Commissioner Act 1967 (c. 13)

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(**5**)—

(a) omit "Department for Communities and Local Government.",

(b) in the entry for the Department of Health after "Health" insert "and Social Care", and

(c) at the appropriate place insert "Ministry of Housing, Communities and Local Government".

Commencement Information
I17 Sch. para. 2 in force at 11.4.2018, see **art. 1(2)**

Abortion Act 1967 (c. 87)

3. In section 2(2) of the Abortion Act 1967(**6**), after "Health" insert "and Social Care".

Commencement Information
I18 Sch. para. 3 in force at 11.4.2018, see **art. 1(2)**

Food Act 1984 (c. 30)

4. In section 135(2)(a)(ii) of the Food Act 1984(**7**), after "Health" insert "and Social Care".

(**4**) Section 86(6A) was inserted by S.I. 1970/1681 and amended by S.I. 1976/1775, 1997/2971, 2001/2568, 2002/2626 and 2006/1926.
(**5**) Schedule 2 was substituted by S.I. 2011/2986. Other amendments have been made to Schedule 2 which are not relevant to this Order.
(**6**) Section 2(2) was amended by S.I. 1969/388 and by S.I. 1988/1843. Other amendments have been made to section 2(2) which are not relevant to this Order.
(**7**) In section 135(2)(a)(ii) the reference to the Secretary of State for Health was inserted by S.I. 1988/1843.

Commencement Information
I19 Sch. para. 4 in force at 11.4.2018, see **art. 1(2)**

Town and Country Planning Act 1990 (c. 8)

5.—(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 228(**8**), in subsections (1) and (7) and in the heading for "Communities and Local Government" substitute "Housing, Communities and Local Government".

(3) In the following provisions, for "Communities and Local Government" substitute "Housing, Communities and Local Government"—

(a) section 245(1)(b)(**9**);

(b) section 265(1)(d)(**10**).

(4) In paragraph 8(2) of Schedule 6(**11**), for "the Department for Communities and Local Government" substitute "the Ministry of Housing, Communities and Local Government".

Commencement Information
I20 Sch. para. 5 in force at 11.4.2018, see **art. 1(2)**

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

6. In paragraph 7(2) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990(**12**), for "the Department for Communities and Local Government" substitute "the Ministry of Housing, Communities and Local Government".

Commencement Information
I21 Sch. para. 6 in force at 11.4.2018, see **art. 1(2)**

Planning (Hazardous Substances) Act 1990 (c. 10)

7. In paragraph 7(2) of the Schedule to the Planning (Hazardous Substances) Act 1990(**13**), for "the Department for Communities and Local Government" substitute "the Ministry of Housing, Communities and Local Government".

Commencement Information
I22 Sch. para. 7 in force at 11.4.2018, see **art. 1(2)**

(**8**) Section 228 was amended by S.I. 1997/2971, 2001/2568, 2002/2626 and 2006/1926.
(**9**) Section 245(1)(b) was amended by S.I. 1997/2971, 2001/2568, 2002/2626 and 2006/1926.
(**10**) In section 265(1), paragraph (a) was repealed and paragraph (d) amended by S.I. 1997/2971; paragraph (d) was further amended by S.I. 2001/2568; paragraph (a) was inserted and paragraph (d) substituted by S.I. 2002/2626, and paragraph (d) was further substituted by S.I. 2006/1926.
(**11**) Paragraph 8(2) was amended by S.I. 1997/2971, 2001/2568, 2002/2626 and 2006/1926.
(**12**) Paragraph 7(2) was amended by S.I. 1997/2971, 2001/2568, 2002/2626 and 2006/1926.
(**13**) Paragraph 7(2) was amended by S.I. 1997/2971, 2001/2568, 2002/2626, and 2006/1926.

Transport and Works Act 1992 (c. 42)

8. In section 23(10) of the Transport and Works Act 1992(**14**), for "the Department for Communities and Local Government" in both places substitute "the Ministry of Housing, Communities and Local Government".

Commencement Information
I23 Sch. para. 8 in force at 11.4.2018, see **art. 1(2)**

Regulation of Investigatory Powers Act 2000 (c. 23)

9. In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000(**15**)—

(a) for paragraph 9A substitute—

"**9A.** The Ministry of Housing, Communities and Local Government.", and

(b) in paragraph 12 after "Health" insert "and Social Care".

Commencement Information
I24 Sch. para. 9 in force at 11.4.2018, see **art. 1(2)**

Commonhold and Leasehold Reform Act 2002 (c. 15)

10. In the following provisions of the Commonhold and Leasehold Reform Act 2002, for "Lord Chancellor" in each place substitute "Secretary of State"—

(a) section 42(2) (power to approve ombudsmen schemes);

(b) section 62(1) and (2) (power to give financial assistance in relation to advice etc)(**16**);

(c) section 64(2) (making of regulations under Part 1 of the Act).

Commencement Information
I25 Sch. para. 10 in force at 11.4.2018, see **art. 1(2)**

Enterprise Act 2002 (c. 40)

11. In section 213(5A)(d) of the Enterprise Act 2002(**17**), after "Health" insert "and Social Care".

Commencement Information
I26 Sch. para. 11 in force at 11.4.2018, see **art. 1(2)**

(**14**) Section 23(10) was amended and paragraph (a) substituted by S.I. 1997/2971; section 23(10) was further amended by S.I. 2001/2568, 2002/2626 and 2006/1926.
(**15**) Schedule 1 was amended by S.I. 2007/3224, 2009/229 and 2009/2748. Paragraph 9A was inserted by S.I. 2006/1926. Other amendments have been made to Schedule 1 which are not relevant to this Order.
(**16**) Section 62(1) was amended by section 319(1) of the Housing and Regeneration Act 2008.
(**17**) Section 213(5A) was inserted by S.I. 2006/3363. Other amendments have been made to section 213(5A) which are not relevant to this Order.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

12. In Schedule 9 to the Domestic Violence, Crime and Victims Act 2004 (authorities within Commissioner's remit)—

(a) omit paragraph 1ZA(**18**),

(b) in paragraph 3 after "Health" insert "and Social Care", and

(c) after paragraph 8A insert—

"**8B.** The Ministry of Housing, Communities and Local Government."

Commencement Information

I27 Sch. para. 12 in force at 11.4.2018, see **art. 1(2)**

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

13. In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007—

(a) omit "Department for Communities and Local Government",

(b) at the end of the entry for the Department of Health insert "and Social Care", and

(c) at the appropriate place insert "Ministry of Housing, Communities and Local Government".

Commencement Information

I28 Sch. para. 13 in force at 11.4.2018, see **art. 1(2)**

Crossrail Act 2008 (c. 18)

14. In the following provisions of the Crossrail Act 2008, for "Communities and Local Government" substitute "Housing, Communities and Local Government"—

(a) section 12(6) (in the definition of "appropriate Ministers");

(b) section 54(5);

(c) paragraph 2(8) of Schedule 5 (in the definition of "appropriate Ministers");

(d) paragraph 37(2) of Schedule 7.

Commencement Information

I29 Sch. para. 14 in force at 11.4.2018, see **art. 1(2)**

Coroners and Justice Act 2009 (c. 25)

15. In the following provisions of the Coroners and Justice Act 2009, after "Health" insert "and Social Care"—

(a) section 18(2)(a);

(b) section 20(1)(n).

(**18**) Paragraph 1ZA was inserted by S.I. 2006/1926.

Commencement Information
I30 Sch. para. 15 in force at 11.4.2018, see **art. 1(2)**

Care Act 2014 (c. 23)

16. In section 111(1)(d) of the Care Act 2014, after "Health" insert "and Social Care".

Commencement Information
I31 Sch. para. 16 in force at 11.4.2018, see **art. 1(2)**

Investigatory Powers Act 2016 (c. 25)

17. In Schedule 4 to the Investigatory Powers Act 2016, in column (1) of the table in Part 1, in the entry for the Department of Health after "Health" insert "and Social Care".

Commencement Information
I32 Sch. para. 17 in force at 11.4.2018, see **art. 1(2)**

High Speed Rail (London – West Midlands) Act 2017 (c. 7)

18. In the following provisions of the High Speed Rail (London – West Midlands) Act 2017, for "Communities and Local Government" substitute "Housing, Communities and Local Government"—

(a) section 64(5);

(b) paragraph 5(9) of Schedule 16 (in the definition of "appropriate Ministers");

(c) paragraph 30 of Schedule 17 (in the definition of "appropriate Ministers").

Commencement Information
I33 Sch. para. 18 in force at 11.4.2018, see **art. 1(2)**

Digital Economy Act 2017 (c. 30)

19. In the following provisions of the Digital Economy Act 2017, for "Communities and Local Government" substitute "Housing, Communities and Local Government"—

(a) paragraph 8 of Schedule 4;

(b) paragraph 3 of Schedule 5;

(c) paragraph 2 of Schedule 6;

(d) paragraph 9 of Schedule 8.

Commencement Information
I34 Sch. para. 19 in force at 11.4.2018, see **art. 1(2)**

PART 2

Amendments to secondary legislation

20. In each of the following provisions, after "of Health" in each place insert "and Social Care"—

(a) regulations 4(2)(a) and 5(a)(i) of the Abortion Regulations 1991(**19**);

(b) column 2 of Schedule 6 to the Welfare Food Regulations 1996(**20**);

(c) column (2) of the Schedule to the Building Societies (Business Names) Regulations 1998(**21**), in relation to the entries for "abortion", "Health Centre" and "Health Service", and "Pregnancy Termination";

(d) regulations 7(6)(ab), 8(7)(aa), 9(12)(ab) and 13(3)(a)(i) and (ii) of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(**22**);

F1(e) . . . . . .

(f) column 2 of the table in Schedule 2 to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004(**23**);

(g) the Schedule to the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004(**24**);

(h) regulations 18(1)(a)(iii) and 22(3)(d) of the Justification of Practices Involving Ionising Radiation Regulations 2004(**25**);

(i) Part 1 of the Schedule to the Damages (Government and Health Service Bodies) Order 2005(**26**);

(j) article 3(c)(i) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(**27**);

(k) paragraph (a) of the definition of "health authority" in regulation 2 of the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009(**28**);

(l) column (1) of the table in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**29**);

(m) regulation 20(9) of the Care Quality Commission (Registration) Regulations 2009(**30**);

(n) column (1) of the table in Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(**31**);

(o) column (1) of the table in Part 2 of Schedule 2 to the Regulation of Investigatory Powers (Communications Data) Order 2010(**32**);

(p) column (1) of the table in Part 1 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(**33**);

(**19**) S.I. 1991/499, amended by S.I. 2002/2879; there are other amending instruments but none is relevant.
(**20**) S.I. 1996/1434, amended by S.I. 2004/2311; there are other amending instruments but none is relevant.
(**21**) S.I. 1998/3186, to which there are amendments not relevant to this Order.
(**22**) S.I. 2001/2975, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**23**) S.I. 2004/629; relevant amending instruments are S.I. 2004/3215, 2009/2230, 2010/2389, 2011/680 and 2013/363.
(**24**) S.I. 2004/906, to which there are amendments not relevant to this Order.
(**25**) S.I. 2004/1769, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**26**) S.I. 2005/474, to which there are amendments not relevant to this Order.
(**27**) S.I. 2005/2414, amended by S.I. 2006/632; there are other amending instruments but none is relevant.
(**28**) S.I. 2009/1927, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**29**) S.I. 2009/2264, amended by S.I. 2013/522; there are other amending instruments but none is relevant.
(**30**) S.I. 2009/3112, to which there are amendments not relevant to this Order.
(**31**) S.I. 2010/104, amended by S.I. 2013/522; there are other amending instruments but none is relevant.
(**32**) S.I. 2010/480, to which there are amendments not relevant to this Order.
(**33**) S.I. 2010/521, to which there are amendments not relevant to this Order.

(q) regulations 10(1) and 11(1) of the Health Protection (Part 2A Orders) Regulations 2010(**34**);

(r) regulation 1(3) of the Health Protection (Notification) Regulations 2010(**35**);

(s) regulations 22(4)(c), 26(2)(e) and 35(6)(b)(i) of the Water Supply (Water Quality) Regulations 2010(**36**);

(t) regulation 12(1) and (2)(a) of, and paragraph 7 of the Schedule to, the Medical Profession (Responsible Officers) Regulations 2010(**37**);

(u) in the entry for Public Health England in column (1) the table in Schedule 1 to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**38**);

(v) paragraph 2 of Schedule 4 to the National Health Service (Clinical Commissioning Groups) Regulations 2012(**39**);

(w) the definition of "Public Health England" in regulation 213(1) of the Human Medicines Regulations 2012(**40**);

(x) regulation 16(a) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013(**41**);

(y) the definition of "postgraduate dental dean or director of postgraduate dental education" in regulation 29 of the National Health Service (Performers Lists) (England) Regulations 2013(**42**);

(z) paragraph (e) of the definition of "responsible person" in regulation 8(3) of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013(**43**);

(aa) regulation 4(1)(h) of the National Health Service (Clinical Commissioning Groups – Payments in Respect of Quality) Regulations 2013(**44**);

(bb) in Schedule 2 to the Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014(**45**)—

(i) in column (2) in Part 1, in relation to the entry in column (1) for "NHS", and

(ii) in column (2) in Part 2;

(cc) column 1 in Schedule 1 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015(**46**), in the entry for Public Health England;

(dd) regulations 12(5)(e), 13(7)(d) and 14(3)(a) of the Control of Major Accident Hazards Regulations 2015(**47**);

(ee) in each place in column 2 of the table in the Schedule to the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015(**48**);

(**34**) S.I. 2010/658, amended by S.I. 2013/235.
(**35**) S.I. 2010/659, amended by S.I. 2013/235.
(**36**) S.I. 2010/994, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**37**) S.I. 2010/2841, amended by S.I. 2013/391.
(**38**) S.I. 2011/2055, amended by S.I. 2013/522; there are other amending instruments but none is relevant.
(**39**) S.I. 2012/1631, to which there are amendments not relevant to this Order.
(**40**) S.I. 2012/1916, to which there are amendments not relevant to this Order.
(**41**) S.I. 2013/218, to which there are amendments not relevant to this Order.
(**42**) S.I. 2013/335, to which there are amendments not relevant to this Order.
(**43**) S.I. 2013/351, to which there are amendments not relevant to this Order.
(**44**) S.I. 2013/474.
(**45**) S.I. 2014/3140, to which there are amendments not relevant to this Order.
(**46**) S.I. 2015/462, to which there are amendments not relevant to this Order.
(**47**) S.I. 2015/483.
(**48**) S.I. 2015/1853, to which there are amendments not relevant to this Order.

(ff) paragraph 1 of Schedule 2 to the Medicines (Products for Human Use) (Fees) Regulations 2016(**49**), in the definition of "the MHRA portal";

(gg) the definition of "Public Health England" in regulation 2(1) of the Water Supply (Water Quality) Regulations 2016(**50**).

Textual Amendments

F1 Sch. para. 20(e) revoked (1.4.2022) by The Medicines and Healthcare Products Regulatory Agency Trading Fund (Revocation) Order 2022 (S.I. 2022/90), art. 1, **Sch.**

Commencement Information

I35 Sch. para. 20 in force at 11.4.2018, see **art. 1(2)**

21. In each of the following provisions, after "for Health" in each place insert "and Social Care"—

(a) paragraph 48(2) of Schedule 9 and paragraph 38(2) of Schedule 10 to the Income Support (General) Regulations 1987(**51**);

(b) paragraph 44(2) of Schedule 2 to the Family Credit (General) Regulations 1987(**52**);

(c) paragraph 42(d) of Schedule 3 and paragraph 39(2) of Schedule 4 to the Disability Working Allowance (General) Regulations 1991(**53**);

(d) paragraph 47(2) of Schedule 7 and paragraph 36(2) of Schedule 8 of the Jobseeker's Allowance Regulations 1996(**54**);

(e) paragraph 42(2) of Schedule 3 and paragraph 39(2) of Schedule 4 to the Housing Renewal Grants Regulations 1996(**55**);

(f) regulations 3(1), (2) and (3) of the Good Laboratory Practice Regulations 1999(**56**);

(g) item 12(e) in table 6 in regulation 19 of the Tax Credits (Definitions and Calculation of Income) Regulations 2002(**57**);

F2(h) . . . . . .

(i) article 2(2) of the Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004(**58**);

(j) the definition of "Appointing Authority" in paragraph 2 of the Schedule to the Postgraduate Medical Education and Training Board (Members – Removal from Office) Rules Order 2004(**59**);

(k) paragraph 2(1)(j)(i) and (k)(i) of Schedule 2 to the Dairy Produce Quotas Regulations 2005(**60**);

(l) paragraphs 2 to 6 of Schedule 1 to the Water Supply (Flouridation Indemnities) England) Regulations 2005(**61**);

(**49**) S.I. 2016/190.
(**50**) S.I. 2016/614, to which there are amendments not relevant to this Order.
(**51**) S.I. 1987/1967, relevant amending instruments are S.I. 1990/1776 and S.I. 2008/3157.
(**52**) S.I. 1987/1973, amended by S.I. 1990/1774; there are other amending instruments but none is relevant.
(**53**) S.I. 1991/2887, to which there are amendments not relevant to this Order.
(**54**) S.I. 1996/207, amended by S.I. 2008/3157; there are other amending instruments but none is relevant.
(**55**) S.I. 1996/2890, to which there are amendments not relevant to this Order.
(**56**) S.I. 1999/3106.
(**57**) S.I. 2002/2006, amended by S.I. 2010/2914; there are other amending instruments but none is relevant.
(**58**) S.I. 2004/1034; amended by S.I. 2012/146; there are other amending instruments but none is relevant.
(**59**) S.I. 2004/3410, to which there are amendments not relevant to this Order.
(**60**) S.I. 2005/465, to which there are amendments not relevant to this Order.
(**61**) S.I. 2005/920.

(m) paragraph 44(2) of Schedule 5 and paragraph 40(2) of Schedule 6 to the Housing Benefit Regulations 2006(**62**);

(n) paragraph 45(2) of Schedule 4 and paragraph 40(2) of Schedule 5 to the Council Tax Benefit Regulations 2006(**63**);

(o) paragraph 45(2) of Schedule 8 and paragraph 37(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008(**64**);

(p) regulations 9A(1) and (4) and 10(1)(c) and (2) of the Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012(**65**);

(q) in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012(**66**), paragraph 46(2) of Schedule 8 and paragraph 43(2) of Schedule 10;

(r) in both columns in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(**67**);

(s) Part 1 of Schedule 4 to the Criminal Justice and Data Protection (Protocol No 36) Regulations 2014(**68**);

(t) regulations 3(1) and (3) and 8(a) of the Social Security (Information-sharing) (NHS Payments and Remission of Charges etc) (England) Regulations 2015(**69**);

(u) Parts 2 and 3 of Schedule 1 to the Criminal Justice (European Investigation Order) Regulations 2017(**70**);

(v) paragraph 3(2)(o) of Schedule 2 to the NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017(**71**).

Textual Amendments

F2 Sch. para. 21(h) revoked (1.4.2022) by The Medicines and Healthcare Products Regulatory Agency Trading Fund (Revocation) Order 2022 (S.I. 2022/90), art. 1, **Sch.**

Commencement Information

I36 Sch. para. 21 in force at 11.4.2018, see **art. 1(2)**

22. In regulation 4(2)(a) of the Abortion Regulations 1991, for "Richmond House, 79 Whitehall, London, SW1A 2NS" substitute "39 Victoria Street, London SW1H 0EU".

Commencement Information

I37 Sch. para. 22 in force at 11.4.2018, see **art. 1(2)**

(**62**) S.I. 2006/213, amended by S.I. 2008/3157; there are other amending instruments but none is relevant.
(**63**) S.I. 2006/215, amended by S.I. 2008/3157; there are other amending instruments but none is relevant.
(**64**) S.I. 2008/794, to which there are amendments not relevant to this Order.
(**65**) S.I. 2012/1483, amended by S.I. 2013/454; there are other amending instruments but none is relevant.
(**66**) S.I. 2012/2886, to which there are amendments no relevant to this Order.
(**67**) S.I. 2014/2418, amended by S.I. 2015/1981; there are other amending instruments but none is relevant.
(**68**) S.I. 2014/3141, amended by S.I. 2014/3191; there are other amending instruments but none is relevant.
(**69**) S.I. 2015/124.
(**70**) S.I. 2017/730.
(**71**) S.I. 2017/958.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council is made under sections 1 and 2 of the Ministers of the Crown Act 1975. It makes provision for, and in connection with, the transfer of functions from the Secretary of State for Health to the Secretary of State for Health and Social Care and from the Secretary of State for Communities and Local Government to the Secretary of State for Housing, Communities and Local Government. It also makes provision for the transfer of functions in relation to commonhold land.

Article 3 provides for the incorporation of the Secretary of State for Health and Social Care as a corporation sole and for the authentication of the corporate seal and execution and certification of documents. Article 4 transfers functions from the Secretary of State for Health to the Secretary of State for Health and Social Care. Article 5 transfer property, rights and liabilities. Article 6 makes supplementary provision.

Article 7 provides for the incorporation of the Secretary of State for Housing, Communities and Local Government as a corporation sole and for the authentication of the corporate seal and execution and certification of documents. Article 8 transfers functions from the Secretary of State for Communities and Local Government to the Secretary of State for Housing, Communities and Local Government. Article 9 transfers property, rights and liabilities. Article 10 makes supplementary provision.

Article 11 transfers functions in relation to commonhold land from the Lord Chancellor to the Secretary of State, and article 12 transfers property, rights and liabilities in connection with those functions to the Secretary of State for Housing, Communities and Local Government. Article 13 makes supplementary provision.

Article 14 makes provision preserving the validity of anything done by or in relation to the Secretary of State for Health, the Secretary of State for Communities and Local Government and the Lord Chancellor before the coming into force of this Order.

Article 15 and the Schedule make consequential amendments to primary and secondary legislation.

Nothing in this Order alters the functions of the Welsh Ministers, the Scottish Ministers or the devolved authorities in Northern Ireland

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:
There are currently no known outstanding effects for the The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018.